HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY.

-

W.A NO. 2501 OF 2005.

BETWEEN:

Chinnabathini Adimurthy,,

R/o Joukalakothapalli village,

Amadaguru Mandal,

Ananthapur District.

…..

APPELLANT.

AND

1. K. Narayanamma,

W/o K.Rangaramappa,

Joukalakothapalli Village,

Amadaguru Mandal,

Ananthapur District,

and others.

….. RESPONDENTS.

:: JUDGMENT ::

Counsel for the appelant : Mr. K. Srinivas.

Counsel for the respondent No.1 : Mr. O. Manohar Reddy.

Counsel for the respondent Nos.2 to 4 :

G.P. for Civil Supplies

08th DECEMBER, 2005.

Per G.S. Singhvi, C.J.

This is an appeal for setting aside order dated 16.12.2004 passed by the learned Single Judge in W.P.No.23215 of 2004 whereby he stayed the order passed by Revenue Divisional Officer, Penukonda, Anantapur District, suspending the fair price shop licence of respondent No.1 till the disposal of the appeal filed by her.

Respondent No.1 was appointed as fair price shop dealer of Jowkulakothpallil village, Amadagur mandal, Anantapur district. By an order-cum-show cause notice dated 3.7.2004, Revenue Divisional Officer, Penukona (respondent No.2) suspended the dealership of respondent No.1 and called upon her to show cause against the proposed cancellation of dealership. Respondent No.1 challenged the same by filing an appeal which was dismissed by the Joint Collector, Anantapur (hereinafter referred to as 'the Appellate Authority), vide his order dated 18.8.2004 albeit without assigning any reason. W.P.No.15529 of 2004 filed by respondent

No.1 was allowed by the learned single Judge vide his order dated 31.8.2004. He quashed the appellate order and remanded the case to the Appellate Authority for fresh adjudication of the appeal within a period of three weeks.

Unfortunately, the Appellate Authority did not abide by the direction given by the Court in Writ Petition No.15529 of 2005. This prompted respondent No.1 to file Writ Petition No.23215 of 2004 for staying the operation of order dated 3.7.2004. After hearing the counsel for the parties, the learned Single Judge stayed suspension of the dealership of the appellant till the disposal of the appeal filed by her.

Feeling aggrieved by the order of the learned Single Judge, which resulted in revival of the dealership of respondent No.1, the appellant i.e. the cardholder has filed this appeal.

On 1.12.2005, this Court asked the learned Government Pleader to seek instructions from the Appellate Authority and make a statement whether or not the appeal filed by respondent No.1 has been finally disposed of in terms of order dated 31.8.2004 passed in W.P.NO.15529 of 2004.

Today, Sri P. Laxma Reddy, learned Government Pleader produced a Xerox copy of order dated 7.12.2005 passed by the Appellate Authority, vide which it allowed the appeal of respondent No.1 and remanded the case to the Revenue Divisional Officer for passing fresh order within a period of four weeks with a direction that till the passing of fresh order, respondent No.1 shall continue to function as fair price shop dealer.

The order produced by the learned Government Pleader is taken on record and the appeal is disposed of as infructuous because the Appellate Authority has directed respondent No.1 to continue to function as fair price shop dealer and the order passed by the Appellate Authority is not under challenge in this appeal.

While disposing of the appeal in the manner indicated above, we make it clear that the appellant shall be free to contest the proceedings pending before Revenue Divisional Officer. Costs made easy.

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G.S. SINGHVI. C.J.,

R. SUBHASH REDDY. J.,

Dated: 08.12.2005.

VRK/VTV

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HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE BILAL NAZKI.

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W.A NO. 2501 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

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Dt: 08.12.2005.

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